

### REMARKS

Claims 11-23 are pending in the application. In the Office action dated October 12, 2007, claims 11-18 and 20-23 were rejected; and claim 19 was objected to.

Applicant respectfully requests entry of the above amendments as placing the claims into condition for allowance, and/or putting the claims into better condition for appeal, and in view of the above amendments and the following remarks, Applicant requests that a Notice of Allowance be issued in this application.

#### ***Rejections under 35 U.S.C. § 112***

Claim 16 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. In particular, the Examiner asserts that the phrase "the desired point" in claim 16 lacks antecedent basis.

Claim 16 depends from claim 15, which recites a mobile joint having pairs of reciprocally cooperating surfaces "where each pair of reciprocally cooperating fitting surfaces is configured to abut when a joint element is pivoted to **a desired point**" (emphasis added).

Applicant suggests that the phrase "the desired point" has sufficient antecedent basis in claim 15, and that therefore the subject matter of claim 16 is particularly and definitely claimed. In view of the above remarks, Applicant respectfully requests the withdrawal of the rejection of claim 16 under 35 U.S.C. § 112.

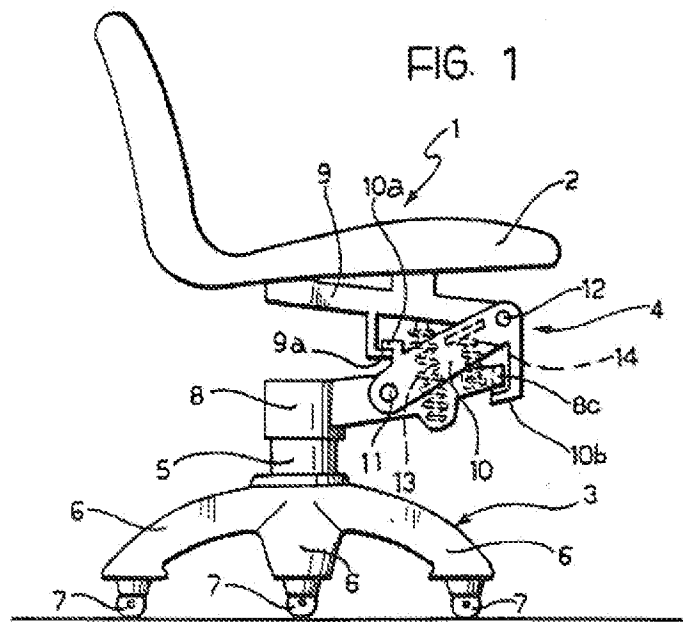
#### ***Rejections under 35 USC § 102***

Claims 11-18 and 20-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Piretti (U.S. Patent no. 4,909,472). Applicant respectfully disagrees, for

reasons made of record in the response submitted August 2, 2007.

However, in order to more particularly define their invention the Applicant has amended claim 11 to specify that the claimed mobile joint has three joint elements (10, 20, and 30), that first joint element is mounted pivotally to first end of the middle joint element, that the second joint element is pivotally mounted to the second end of the middle joint element, and that each of these pivotal mountings is spring-loaded, so that the joint assumes a stable tilting position between the two extreme positions of the mobile joint. Claim 17 has been cancelled in view of the instant amendment, and claims 18-21 have been amended to preserve appropriate claim dependencies.

As shown below, the Piretti support includes a main support member 8, a seat support member 9, and an auxiliary support member 10 interposed between the main support member and the seat support member. Although the Piretti support includes resilient means 13 and 14, resilient means 13 is interposed between members 8 and 9, coupling them together, while resilient means 14 is interposed between members 8 and 10.



This does not correspond to the mobile joint recited by claim 11, as amended, where each joint element has a spring-loaded pivotal mounting to the *adjacent* joint element. The support of Piretti does not include a spring-loaded coupling between member 9 and member 10. The support of Piretti therefore fails to anticipate the mobile joint of claims 11-18 and 20-22, or the chair of claim 23.

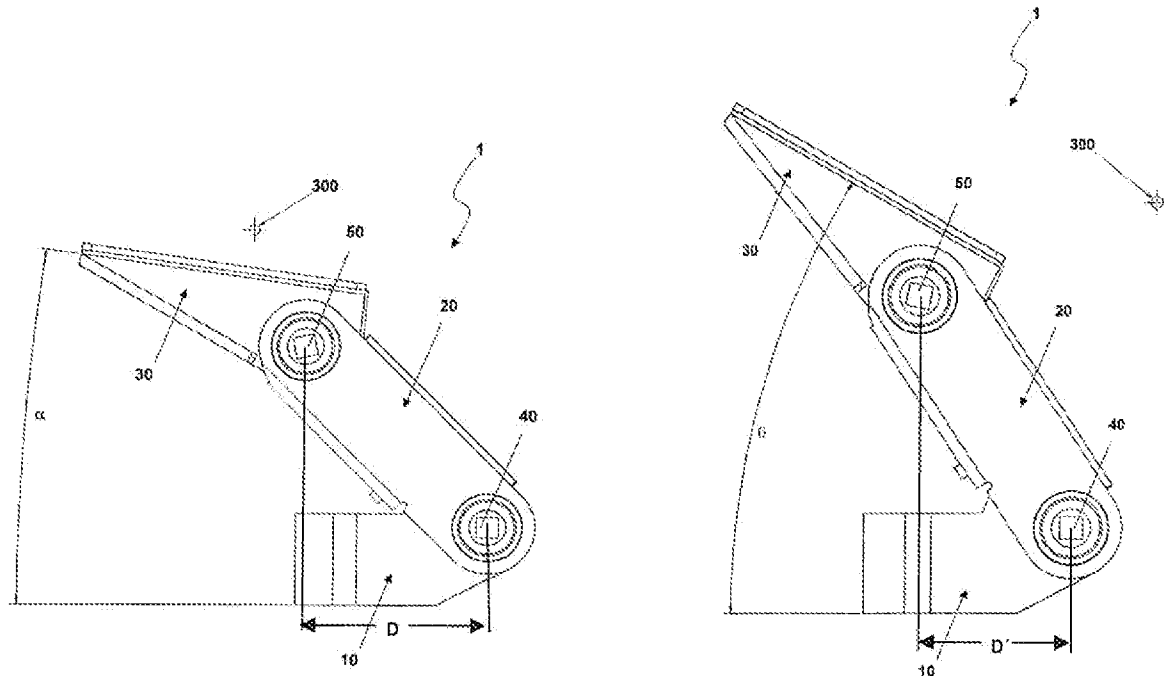
In view of the above remarks and amendments, Applicant respectfully requests that the rejection of claims 11-18 and 20-23 under 35 U.S.C. § 102 be withdrawn.

Furthermore, as the Piretti support does not include the elements of the claimed mobile joint, the Applicant suggests that the Piretti support fails to possess the advantageous properties of the claimed mobile joint, specifically, the facile tilting movement of the seating construction effected by the user's weight displacement between two extreme positions. Due to the coupling of members 8 and 9, when the user wishes to recline the seat of Piretti, they must compress resilient means 13. However,

when the user wishes to tilt the seat of Piretti forwards, they must compress both resilient means 13 and resilient means 14. There is no suggestion in the Piretti reference to modify the principle of operation of the Piretti chair in order to arrive at the claimed invention. Applicant therefore suggests that the claimed mobile joint is likewise not rendered obvious by the cited prior art.

The Examiner asserts that the Applicant has not addressed some concerns regarding the language of the claim. The Examiner suggests language should be added to the claim to explain how rotational axes 40 and 50 are horizontally displaced when the distance between those two axes remains constant. The Applicant suggests that the absolute distance between the two rotational axes, which the Examiner appears to be referring to, is independent of their relative displacement in the horizontal plane.

Applicants agree that the absolute distance between axes 40 and 50 does not change. However, as mobile joint 1 is tilted, the distance between the two axes along a horizontal axis does indeed change, corresponding to a horizontal displacement. An exemplary demonstration of such a difference in horizontal displacement is indicated below by the distances D and D' in Figures 3 and 5 of the application.



Applicant suggests that the claim language is clear in defining the recited invention, particularly when considered in light of the specification, drawings, and the level of knowledge available to one of ordinary skill in the art.

The Examiner further suggests that the Applicant has not provided sufficient structure that would allow the claimed mobile joint to assume a stable tilting position. Applicant respectfully disagrees, as the specification is clear in indicating that a spring-bias, while permitted, is not required in order for the mobile joint to function as described and claimed (see page 6, lines 20-33). However, in the interest of facilitating the prosecution of the application, claim 11 has been amended to recite a spring-loading in the coupling between the first joint element and the middle joint element, as well as in the in the coupling between the second joint element and the middle joint element.

The Examiner asserts that the language of claim 11 that "each joint element is pivotable to a limited degree in relation to each joint element that it is connected to"

does not appear to be true. Applicants strenuously disagree. The claim language states clearly that each joint element is pivotable *in relation to* each joint element it is connected to. Joint elements 10 and 20 are coupled with a pivotal connection, and therefore each joint element is pivotable with respect to the other. Similarly, Joint elements 20 and 30 are coupled with a pivotal connection, and are therefore pivotable with respect to each other. The language of claim 11 is clear and precise in defining the claimed invention.

***Allowable Subject Matter***

The Examiner indicates that claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant is grateful for the indication of allowable subject matter.

In view of the above amendments and remarks, Applicant suggests that the mobile joint of claim 11 is neither anticipated nor rendered obvious by the prior art of record, and therefore respectfully requests a Notice of Allowance indicating the same.

The Examiner has indicated that a telephone interview might be helpful in advancing the prosecution of the application. The undersigned agent would be happy to engage in a telephonic interview, and encourages the Examiner to contact the undersigned agent with any questions or concerns regarding this paper, or the application as a whole.

**CERTIFICATE OF E-FILING**

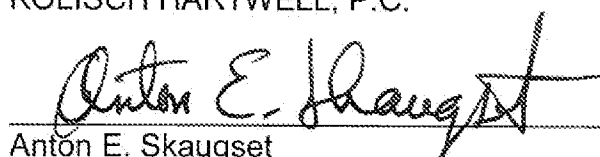
I hereby certify that this correspondence is being transmitted electronically via the United States Patent and Trademark Office's EFS-Web System on February 8, 2008.



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